

Benjamin Barker
v
State of Oregon
Meagan Vance

CV 2016

memorandum

I understand this is a frustrating & difficult case, the reason why I showed so much documents is because I believe our society is inherently biased against men and that bias has tremendous impact on families. I have gone through 9 years of suffering that changed me from a man caring for his wife and siblings while teaching science to kids to help ms. Vance get her degree, while being a programmer working on tools for the blind into a person driven to suicide by the abuse I've suffered. The only thing that keeps me going is the hope that by doing this reform of the state that I can help others and I don't think there is anyone else who is willing and able to achieve the standing & knowledge to do so.

I understand that you may dislike my position of equity vs equality, because you dealt with discrimination in your past. However I was raised for 16 years by the last name "Cortez", because my illiterate step father needed the extra benefits of being Hispanic even as we still ran out of food. I generally think "equal equality" you propose resembles George Orwell's "Animal Farm".

And in practice it has meant a blind albino & service injured blinded man being told of pyramids of privilege and oppression in therapy which blames whites and men as the proximate cause of an alcoholic abusive wife.

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Verified Correct Copy of Original 12/22/2016

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF WASHINGTON

STATE OF OREGON,
PLAINTIFF

vs

BARBER, BENJAMIN JAY
DEFENDANT

No. 16CR46339/02, 03,04, 05

AFFIDAVIT**File report and arraign defendant
at next court appearance.**

2016 DEC 22 AM 11:57

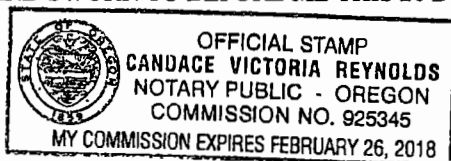
FILED
OREGON JUDICIAL DEPARTMENT
WASHINGTON COUNTYSupp Ppt
already
wanted

I, the undersigned, being first duly sworn, depose and say:

1. I am a duly employed probation and parole officer for Washington County, Oregon Department of Community Corrections; and in that capacity I have been assigned to supervise the above-named defendant's probation.
2. As part of my duties I have prepared a report concerning the defendant's activities while on probation. A copy of said report is attached hereto and fully incorporated herein.

Deanna Kemper
DEANNA KEMPER
Probation Officer

SUBSCRIBED AND SWORN TO BEFORE ME THIS 20 December, 2016



Candace Reynolds
Notary Public for Oregon

ORDER

Based on the affidavit of the defendant's probation officer, the court, on its own motion, hereby ORDERS that the Clerk of the Circuit Court issue a bench warrant for the apprehension of the above-named defendant to be brought before the Court to show cause, if any, why probation should not be revoked.

Security: _____

DATED: _____

Circuit Court Judge

ORDER

Based on the affidavit of the defendant's probation officer, the court, on its own motion, ORDERS that the defendant be and is hereby required to appear on

so that a show cause hearing may be set.

DATED: _____

Circuit Court Judge

(*Note: Line out inapplicable order)

DOB: 06/07/1985 ADDRESS: 176 SW JACKSON ST, HILLSBORO, OR 97123 RACE: W SEX: M HT: 5'
10" WT: 165lbs HAIR: BRO EYES: HAZ SID#: 17474177 STATE: OR

FILE #: 16CR46339/02, 16CR46339/03, 16CR46339/04, 16CR46339/05
OFFENSE: INTIM IMAG, INTIM IMAG, INTIM IMAG, INTIM IMAG
EXE DATE: 11/09/2021
SENTENCING JUDGE: ROBERTS
CASE TYPE: MPR

WASHINGTON COUNTY COMMUNITY CORRECTIONS
150 N. FIRST STREET, SUITE 200
HILLSBORO, OR 97124

TO: PRESIDING CRIMINAL COURT

December 20, 2016

NAME: BARBER, BENJAMIN JAY
ADDRESS: 176 SW JACKSON ST
HILLSBORO, OR 97123
RISK LEVEL: LOW
SID#: 17474177

PURPOSE OF REPORT: ADDENDUM TO WARRANT ISSUED

LEGAL RESUME

On 11/10/16, in Washington County Circuit Court, Mr. Benjamin Barber was placed on five years formal probation by Judge Roberts, following a conviction for Unlawful Dissemination of an Intimate Image (x4). In addition to the General Conditions of probation under ORS 137.540, the following Special Conditions were imposed: Domestic Violence/Mental Health/Sex Offender evaluation/treatment, attend and complete a Survivor's Impact Panel, no contact with victim-Megan Vance or her family, take all medications as prescribed, must remove all images and videos of victim from computer and internet, cannot listen/view/own/possess sexually stimulating visual or auditory materials, submit to search/polygraph and money judgment.

ALLEGATIONS AND SUBSTANTIATIONS

ALLEGATION #1: Mr. Barber is in violation of his probation under Special Condition: Failure to complete jail sentence as ordered by the Court.

ALLEGATION #2: Mr. Barber is in violation of his probation under Special Condition: No direct or indirect contact with victim, Megan Vance. .

ALLEGATION #3: Mr. Barber is in violation of his probation under Special Condition: Do not intimidate/threaten or have offensive contact with anyone.

ALLEGATION #4: Mr. Barber is in violation of his probation under Special Condition: Remove all images and videos of victim from computer and internet.

ALLEGATION #5: Mr. Barber is in violation of his probation under Special Condition: Do not view/listen/own/possess any sexually stimulating visual or auditory materials.

SUBSTANTIATION #1 - #5: On 12/1/16, Mr. Barber appeared before the Court and was sentenced to six months jail on Count 1 in Case 16CR46339. Judge Roberts allowed Mr. Barber to remain out of custody with an Order to report to the Washington County Jail (WCJ) on 12/2/16 to begin serving his sentence.

Within hours of being sentenced, Mr. Barber took to the internet, including news outlets and social media, posting comments/documents and links clearly in violation of the Court's Order. Mr. Barber posted multiple comments to Oregonlive.com in response to an article written about his case, clearly identifying himself as the defendant in the case and attaching links to another site, Reddit.com. The comments and links included images of the victim, sexually explicit content regarding the victim along with the victim's full name and her personal/social media information. Derogatory and offensive materials were posted of the victim, including some material that was removed by the moderators of the site, specifically informing Mr. Barber that such postings violated site policy.

Mr. Barber failed to report to the WCJ on 12/2/16, resulting in a warrant for his arrest.

Detailed information and documentation is included in a Motion and Affidavit filed by the Washington County District Attorney on 12/2/16 and submitted to the Court.

ALLEGATION #6: Mr. Barber is in violation of his probation under General Condition #13: Failure to report.

SUBSTANTIATION #6: On 12/1/16, Mr. Barber appeared before the Court and was sentenced to 6 months jail on Count 1 in Case 16CR46339. Judge Roberts allowed Mr. Barber to remain out of custody with an Order to report to the Washington County Jail (WCJ) on 12/2/16 to begin serving his sentence.

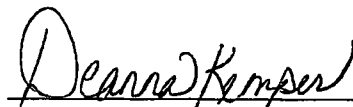
Mr. Barber failed to report to the Washington County Probation Office upon leaving the Court on 12/1/16 and failed to turn himself in the WCJ on 12/2/16. Mr. Barber continues to avoid his supervision and is unwilling to provide his address or contact information. His location remains unknown.

SUPERVISION SUMMARY

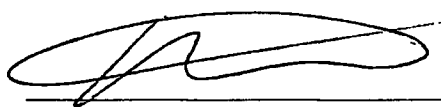
Mr. Barber is unwilling to comply with the Orders of the Court and continues to victimize Meagan Vance and the State of Oregon.

EVALUATION AND RECOMMENDATION

Based on this information, a warrant was issued by the Court on 12/2/16. Upon apprehension, it is recommended that a Show Cause Hearing be scheduled to address the above allegations. If found in violation, further recommendations will be made at the time of the hearing and will be based on the actions of Mr. Barber in the interim.



DEANNA KEMPER
Parole and Probation Officer



DAWN MONTES
Parole and Probation Supervisor

1
2 **IN THE CIRCUIT COURT OF THE STATE OF OREGON**
3 **FOR THE COUNTY OF WASHINGTON**

4 STATE OF OREGON,

5 Plaintiff,

6 vs.

7 BENJAMIN JAY BARBER,

8
9 Defendant.

No. 16CR46339 (DA 345218)

ORDER TO

☐ SET HEARING TO SHOW CAUSE WHY
DEFENDANT'S PROBATION SHALL NOT
BE REVOKED

☒ ISSUE BENCH WARRANT FOR
VIOLATION OF PROBATION AND/OR
RELEASE

11 Based on the State's Motion and Affidavit to Show Cause Why Defendant's Probation Shall
12 Not be Revoked,

13 ☒ It is hereby ORDERED that the Clerk of the Court be, and hereby is, directed to issue a
14 Bench Warrant for the apprehension of the above-named defendant to be brought before the court for
15 violation of probation and/or release.

16 SECURITY - ZERO BAIL - NO FORCED RELEASE

Signed: 12/2/2016 02:46 PM *BL*

17 ☐ It is hereby ORDERED that the defendant be and is hereby required to appear on
18 _____ at _____ so that a Show Cause hearing may be set.

21 Signed: 12/2/2016 02:46 PM

22 Signed: 12/2/2016 02:46 PM

[Signature]
Clerk Court Judge, Beth Roberts

[Signature]
Circuit Court Judge, Beth Roberts

12/2/2016 10:59:15 AM
16CR46339

1
2 **IN THE CIRCUIT COURT OF THE STATE OF OREGON**
3 **FOR THE COUNTY OF WASHINGTON**

4 STATE OF OREGON,

5 Plaintiff,

6 vs.

7 BENJAMIN JAY BARBER,

8 Defendant.
9

No. 16CR46339 (DA 345218)

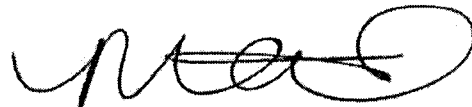
MOTION TO SHOW CAUSE WHY
DEFENDANT'S PROBATION SHALL NOT BE
REVOKED AND REQUESTING AN
IMMEDIATE HEARING ON DEFENDANT'S
PROBATION CONDITIONS OR
ALTERNATIVE ORDER FOR BENCH
WARRANT

10 The State by and through Marie E. Atwood, Deputy District Attorney, moves the Court for an
11 Order setting a hearing requiring defendant to show cause why his probation shall not be revoked or
12 in the alternative moves the Court to issue a bench warrant.

13 In support of this Motion the State relies on the attached affidavit and exhibits.

14 The state also respectfully requests that this motion be heard by Judge Roberts, for the
15 reasons discussed in the attached affidavit.

16 DATED: December 2, 2016



17 Marie E Atwood
18 Oregon State Bar #132976
19 Deputy District Attorney
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21
22
23

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF WASHINGTON

STATE OF OREGON,

Plaintiff,

vs.

BENJAMIN JAY BARBER,

Defendant

No. 16CR46339 (DA 345218)

AFFIDAVIT IN SUPPORT OF MOTION TO
SHOW CAUSE WHY DEFENDANT'S
PROBATION SHALL NOT BE REVOKED AND
REQUESTING AN IMMEDIATE HEARING ON
DEFENDANT'S PROBATION CONDITIONS
OR ALTERNATIVE ORDER FOR BENCH
WARRANT

STATE OF OREGON)
) ss.
County of Washington)

I, Marie E. Atwood, being duly sworn do hereby state:

That I am a Deputy District Attorney for Washington County, Oregon.

That a motion is being filed in the above matter to Revoke the Defendant's Probation for the following reasons:

Defendant was recently convicted of five counts of Unlawful Dissemination of an Intimate Image for repeatedly engaging in "revenge porn" against the victim, Meagan Vance. During the pendency of the case, defendant was under strict conditions of release, including but not limited to: no direct or indirect contact with the victim, no use of internet except for work purposes, and no use of social media. Once convicted, defendant requested that sentencing be set over to December 1, 2016, during which he would remain on release conditions.

On December 1, 2016, Judge Roberts sentenced the defendant to six months jail, but allowed him to remain out of custody for one day and turn himself in on December 2, 2016 by 7:00pm. Defendant was also sentenced to five years of formal probation, subject to numerous conditions, including:

- Do not attempt to contact or have direct or indirect contact with the victim, Meagan Vance, including communication in any form and/or accessing the victim's social media websites
- Do not menace, intimidate, or threaten or have offensive contact, including language, with anyone
- Submit to search of person, residence vehicle, property, computer and social networking sites if the supervising officer has grounds to believe that such search will reveal evidence of a probation violation
- Removal of all images and videos of the victim from defendant's personal computer
- Removal of all images and videos of the victim from the Internet
- Do not view, listen to, own, or possess any sexually stimulating visual or auditory materials

Mere hours after being sentenced to the above conditions and given the opportunity to remain out of custody for one more day, the defendant once again took to the internet, including news outlets and social media, and posted comments, documents, and links clearly in violation of the court's orders and intent. Defendant posted multiple comments to Oregonlive.com, in response to an article written about his case, clearly identifying himself as the defendant in the case, and attaching links to another site, Reddit.com (see attached Exhibits 1 and 2).

On Reddit.com, the defendant posted numerous comments and links in response to the same article, under the username "wearytravelerpx," but once again clearly identifying himself as the defendant in the case. The comments and links included images of the victim, sexually explicit content regarding the victim, the victim's full name, personal and social media information, and

1 derogatory and offensive materials regarding the victim. The moderators on Reddit.com removed
2 some of the defendant's posts, specifically informing him that posting such information violated site
3 policy. See remaining attached exhibits.

4 Defendant's conduct clearly violates the release and probation conditions that he has been
5 subject to throughout the pendency of this case, including improper use of internet and social media;
6 indirect contact with the victim including access to social media websites; offensive contact
7 (including language) with others; additional posting of sexual content online, and failure to actively
8 remove and delete images and content relating to the victim from his personal computer and internet
9 websites.

10 Moreover, the fact that the defendant engaged in this behavior post-sentencing, during the
11 brief window of non-custodial time given to him as a courtesy of the court, shows his continued
12 disregard for the court's orders, the victim's rights, and the seriousness of his crimes. The defendant's
13 actions before, during, and after trial show an ongoing intent to continue harassing and slandering the
14 victim in this case.

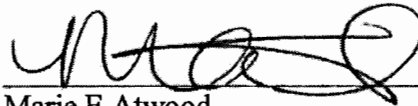
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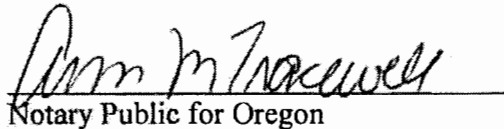
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1
2 The defendant is supposed to turn himself in by 7:00pm today to begin his sentence; however,
3 due to his behavior the state has concerns that he may fail to do so. The state therefore requests that
4 the court immediately issue a warrant and schedule a hearing for the defendant to show cause why his
5 probation should not be revoked. Additionally, the state requests that the parties also revisit the
6 defendant's probation conditions, altering and/or adding stricter limitations to the conditions
7 regarding his internet and computer use. Finally, the state requests that this motion and all related
8 hearings be heard before Judge Roberts, who imposed and discussed the terms of defendant's
9 sentence only yesterday, and has extensive knowledge regarding the issues and facts of this case.

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11 

12 Marie E Atwood
13 Oregon State Bar #132976
14 Deputy District Attorney

15 SUBSCRIBED AND SWORN to before me this 2nd day of Dec, 2016.

16 
17 Notary Public for Oregon

